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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
FAIRFIELD SENTRY LIMITED, et al.,)	Chapter 15 Case
Debtors in Foreign Proceedings.)	Case No: 10-13164 (SMB)
)	Jointly Administered
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION) and)	
FAIRFIELD SIGMA LIMITED (IN LIQUIDATION), acting)	
by and through the Foreign Representatives thereof, and)	Adv. Pro. No. 10-03635
KENNETH KRYS and CHARLOTTE CAULFIELD, solely in)	(SMB)
their capacities as Foreign Representatives and Liquidators)	
thereof,)	
)	
Plaintiffs,)	
-against-)	
ABN AMRO SCHWEIZ AG A/K/A ABN AMRO)	
(SWITZERLAND) AG, et al.,)	
)	
Defendants.)	
This document is also being filed in the lead adversary)	
proceeding, <i>Fairfield Sentry Ltd. (in Liquidation) et al. v.</i>)	
<i>Theodoor GGC Amsterdam et al.</i> , Adv. Pro. No. 10-03496.)	

**DEFENDANT-APPELLEES' COUNTER-STATEMENT
OF ISSUES TO BE PRESENTED AND COUNTER-DESIGNATION
OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Defendant-Appellees BANCA UNIONE DI CREDITO, BSI AG, BSI EX BANCA DEL GOTTARDO, EFG BANK SA SWITZERLAND, and EFG EUROFINANCIER D'INVEST MCL (the "EFG Defendant-Appellees"), by and through their undersigned attorneys, respectfully submit, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, this counter-statement of additional issues to be presented and counter-designation of items to be included in the record on appeal with respect to the appeal by Plaintiffs in the above-captioned adversary proceeding of the Stipulated Order Granting In Part And Denying In Part Moving Defendants' Motions To Dismiss And Plaintiffs' Motion For Leave To Amend entered April 15, 2019, the December 6, 2018 Memorandum Decision, and the August 6, 2018 Memorandum Decision and Order Regarding the Defendants' Motions to Dismiss for Want of Jurisdiction (together, the "Appealed Decisions and Orders") before the United States Bankruptcy Court for the Southern District Of New York.

**COUNTER-STATEMENT OF
ADDITIONAL ISSUES TO BE PRESENTED ON APPEAL**

1. All issues designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders, including, without limitation: (a) the issues stated in Plaintiffs' Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal [ECF No. 435] (the "Plaintiffs' Statement"); and (b) the issues stated in Defendant-Appellees' Counter-Statement of Issues to Be Presented and Counter-Designation of Items to Be Included in the Record on Appeal [ECF No. 437] (the "Co-Defendant-Appellees' Counter-Statement"), which was filed by co-

defendant-appellees BNP Paribas (Suisse) SA, BNP Paribas (Suisse) SA Ex Fortis, BNP Paribas (Suisse) SA Private, Caceis Bank Luxembourg, and HSBC.¹

**COUNTER-DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

2. All items designated or to be designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders, including, without limitation: (a) the items designated in the Plaintiffs' Statement; and (b) the items designated in the Co-Defendant-Appellees' Counter-Statement.

RESERVATION OF RIGHTS

3. The EFG Defendant-Appellees expressly reserve the right to supplement the record on appeal or cross-appeal and to adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Appealed Decisions and Orders.

Dated: June 4, 2019
New York, New York

Respectfully submitted,

KOBRE & KIM LLP

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¹ Citations to (ECF No. ____) refer to docket entries from *Fairfield Sentry Limited, et al. v. ABN AMRO Schweiz AG a/k/a ABN AMRO (Switzerland) AG*, Adv. Pro. No. 10-03635 (SMB) (Bankr. S.D.N.Y.).

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